

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., August 3, 2004

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
 - Invocation
 - Pledge of Allegiance
 - Approve the minutes of the July 20, 2004 meeting and the July 27, 2004, Consent Agenda.
-

AWARDS AND PRESENTATIONS

- Proclamations
 - Recognition of Northeast Magnet High School Art Students
-

PUBLIC AGENDA

- 1. Carol A. Johnson, MD. - Harmful Effects of Second-Hand Tobacco Smoke.
 - 2. Pat MacDonald-Chair of the Tobacco Free Wichita Coalition.
-

UNFINISHED BUSINESS

- 3. Project Funding Request to Kansas Department of Transportation. (Districts II, III, IV and V)
(Deferred on July 20, 2004)

RECOMMENDED ACTION: Approve the proposed projects and authorize
staff to submit project requests to KDOT.

NEW BUSINESS

4. Update on Visioneering Wichita.

On May 4, 2004, the City Council authorized the City's participation in the development of a community visioning process for the Greater Wichita Area. The Wichita Area Chamber of Commerce is taking a leadership role in the implementation of the process. Henry Luke has visited Wichita several times and has conducted a number of focus groups and helped establish a Vision Steering Committee to oversee the implementation of the vision process and plan.

RECOMMENDED ACTION: Receive and file the update.

5. 2005/2006 Annual Operating Budget.

The 2005/2006 Proposed Budget revises the current year (2004), proposes a budget for the ensuing fiscal year (2005) and projects a budget for the second succeeding year (20006).

RECOMMENDED ACTION: Receive public comment.

6. General Obligation Bond and Note Sale.

The City is offering for sale one series of General Obligation Temporary Notes totaling \$52,300,000 (Series 211), two series of General Obligation Bonds (Series 778 and 778A) totaling \$12,740,000 for the purpose of providing permanent financing for capital improvement projects of the City and one series of General Obligation Sales Tax Bonds (Series 2004) in the amount of \$36,000,000 to provide financing for freeway capital improvements.

RECOMMENDED ACTION: (1) Direct the opening and reading of the bids; (2) award the sale of the Bonds and Temporary Notes; and (3) find and declare, upon the request of the Mayor, that a public emergency exists, requiring the final passage of the Bond and Note Ordinances on the date of their introduction, adopt the Bond and Note Ordinances, and authorize the publication thereof.

7. Petition to construct a Sanitary Sewer to serve an area on the east side of Byron, south of Douglas. (District V)

The signatures on the petition represent four of six (66.67%) resident owners and 66.67% of the improvement district area. On July 12, 2004, the Board voted 5 to 0 to recommend approval of the project as originally proposed.

RECOMMENDED ACTION: Approve the Petition and adopt the Resolution.

8. Revision of Animal Maintenance Code.

Maintenance of domestic animals within the City is governed by Chapter 6.12 of the City Code. Standards specify the numbers and types of animals allowed, require proper sanitation of facilities and provide for confinement of animals. Permits are required for maintenance of specified quantities or types of animals.

RECOMMENDED ACTION: Place the ordinance on first reading.

9. Authorize Marketing of Wellington Place, 1847 Wellington Place; Submittal of National Register Nomination for Comley House, 1137 North Broadway and Marketing of Comley House upon Designation in the Register of Historic Kansas Places. (District VI)

At the July 15, 2003, City Council meeting, Property Management was directed to sell certain City properties. Wellington Place and the Comley House were withheld from the list pending completion of the Midtown Neighborhood Plan per the discussion at the June 24, 2003, City Council Workshop. On May 18, 2004, the Midtown Neighborhood Plan was approved by City Council at the regular Council Meeting.

RECOMMENDED ACTION: Authorize sale of Wellington Place for a use in
Conformance with the Midtown Neighborhood Plan;
Submittal of a National Register nomination for the
Comley House to the State Historic Preservation
Office, and list the Comley House for sale, upon
Designation, for a use in conformance with the Midtown
Neighborhood Plan.

10. Public Hearing to Consider Request for De-annexation of Land.

A petition for de-annexation has been filed by owners of property located south of 53rd Street North and west of Heights High School property. They own 80 acres, which are presently within the City limits of the City of Wichita.

RECOMMENDED ACTION: Conduct the hearing on the petition for the de-annexation;
make appropriate findings; and either grant or deny the
petition.

CITY COUNCIL AGENDA

11. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

CONSENT AGENDA

12. Report of the Board of Bids and Contracts Dated August 2, 2004.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

13. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
----------------	-------------	----------------------------------

Buivan Hanh	Saigon Restaurant, Inc.*	1103 North Broadway
-------------	--------------------------	---------------------

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

14. Deeds and Easements:

- a) Water Easement dated July 13, 2004 from Golake, Inc. for tracts of land located in the Northwest Quarter of Section 9, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas (Project 448-89924, OCA #735176). No cost to City.
- b) Water Easement dated July 13, 2004 from Clifford E. Culver for a tract of land located in the Northwest Quarter of Section 9, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas (Project 448-89924, OCA #735176). No cost to City.
- c) Utility Easement dated June 17, 2004 from Twenty First Growth Property, L.L.C., for tracts of land located in Lots 1 and 2, Block 1, Hawthorne Addition, and addition to Wichita, Sedgwick County, Kansas and Lots 21 and 22, Block 1, Hawthorne Second Addition, and addition to Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- d) Drainage Easement dated July 2, 2004 from Kelley & Coleman, Inc., a Kansas Corporation for a tract of land located in Lot 3, Block A, Steve Kelley 5th Addition, Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.

RECOMMENDED ACTION: Accept documents.

15. Petitions for Public Improvements:

- a) Sanitary sewer to serve part of Lot 1, Block B, Mid-Continent Industrial Park II Addition, north of MacArthur, east of Maize. (District IV)
- b) Pave 27th Street South, west of McLean Boulevard. (District IV)
- c) Pave streets in Steve Kelly 5th Addition, south of 13th Street, east of Hoover. (District VI)
- d) Street paving and water distribution system for Rivendale Addition, north of 55th Street South, west of Hydraulic. (District III)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

16. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closures/uses.

17. Change Order: Storm Water Drain for Avalon Park Addition, North of 137th Street North, East of Tyler.
(District V)

RECOMMENDED ACTION: Approve the Change Order and authorize the necessary signatures.

18. Quarterly Financial Report for the Period Ended June 30, 2004

RECOMMENDED ACTION: Receive and file.

19. Contracts, Agreements and Purchase Orders for July 2004.

RECOMMENDED ACTION: Receive and file.

20. Agreements/Contracts:

- a) Respread assessments: Pine Bay Estates Addition, east of Hydraulic, south of 63rd Street South. (District III)
- b) Respread assessments: English Country Gardens, east of Tyler, north of 13th Street North. (District V)
- c) Respread assessments: My House Addition, south of 55th Street South, west of Broadway. (District IV)
- d) Right of way, Electromech Technologies. (District IV)
- e) Amendments #1 to the Supplemental Agreement for construction engineering, staking and full-time inspection for improvements to Riverside Park. (District VI) – supplemental.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

21. Design Service Agreements:

- a) Brentwood South Second Addition, north of Pawnee, east of Webb. (District II)
- b) Killenwood Pointe Addition, south of 13th Street, east of Greenwich. (District II)
- c) Avalon Park, north of 37th Street North, east of Tyler. (District V)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

22. Property Acquisitions:

- a) 2403 South Washington for Pawnee Washington Intersection Improvement Project. (District III)
- b) Portion of 2356 South Washington for Pawnee and Washington Intersection Improvement Project. (District III)
- c) Part of 5455 East Central for Central, Oliver to Woodlawn. (Districts I & II)
- d) Part of 4820 East Central for Central, Oliver to Woodlawn. (District I & II)
- e) Portion of 10121 West 29th Street North for the 29th Street North, Maize to Tyler improvement project. (District V)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

23. Repair or Removal of Dangerous and Unsafe Structure.

	<u>Address</u>	<u>District</u>
a.	2869 South Davidson	III

RECOMMENDED ACTION: Adopt Resolution (s) setting the Public Hearing on September 14, 2004 at 9:30 a.m. or soon thereafter.

24. Settlement of Claim-Kathryn Swart.

RECOMMENDED ACTION: Authorize payment of \$32,000 as a full settlement of all possible claims against the City of Wichita arising out of the motor vehicle accident.

25. Wichita Employee's Retirement System. Proposed Revision of City Code Section 2.28.080, to Establish an Attendance Policy for the Elected Members of the Board of Trustees.

RECOMMENDED ACTION: Approve first reading of the ordinance revising City Code Section 2.28.080.

26. Municipal Investment Pool Resolution to Open Account.

RECOMMENDED ACTION: Approve the Resolution establishing an account in the State of Kansas Municipal Investment Pool and authorize the appropriate signatures.

27. Homeless Management Information System.

RECOMMENDED ACTION: Approve CDBG funding in the amount of \$24,220 and authorize the public notice for the substantial amendment.

28. Lease Termination related to City of Wichita Taxable Industrial Revenue Bonds, Series VI, 1986, Fidelity Savings Association of Kansas. (District I)

RECOMMENDED ACTION: Approve the termination of lease and form UCC3 and authorize the necessary signatures.

29. Disposal of Surplus Fire Vehicles.

RECOMMENDED ACTION: Approve the donation of the three vehicles and authorize the necessary signatures on the agreement letter.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

30. Appeal of Historic Preservation Board Action Regarding Demolition of 1315 North Broadway. (District VI)
HPC2004-00105.

RECOMMENDED ACTION: Affirm the decision of the Board and deny the request for demolition.

31. *SUB2004-41-Plat of Liberty Park Third Addition, Located South of 13th Street North and on the East Side of 135th Street West. (District V)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures and adopt the resolutions.

32. *SUB2004-45-Plat of Voegeli Second Addition, Located on the North Side of Harry, east of West Street.
(District IV)

RECOMMENDED ACTION: Approve the plat and authorize
the necessary signatures.

33. *SUB2004-55-Plat of The Waterfront Fourth Addition, Located North of 13th Street North, on the East Side of Webb Road. (District II)

RECOMMENDED ACTION: Approve the documents and plat and authorize
the necessary signatures.

34. *SUB2004-57-Plat of Kenny Rogers Addition, Located on the East Side of Hillside and South of 53rd Street North. (District I)

RECOMMENDED ACTION: Approve the documents and plat; authorize the
necessary signatures; adopt the Resolution and
approve first reading of the Ordinance.

35. *SUB2004-67-Plat of Regency Park Second Addition, Located South of 29th Street North and on the West Side of Greenwich Road. (District II)

RECOMMENDED ACTION: Approve the documents and plat, authorize the
necessary signatures and adopt the Resolution.

36. *DED2004-18-Dedication of a Sanitary Sewer Easement for Property Located South of Kellogg and East of Webb Road. (District II)

RECOMMENDED ACTION: Accept the dedication.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

37. Acquisition of property at the southwest corner of Ridge Road and Highway K-42 for runway approach protection at Wichita Mid-Continent Airport.

RECOMMENDED ACTION: 1) Approve the budget; 2) adopt the bonding resolution;
3) approve the Real Estate Purchase Contracts; and
4) authorize the necessary signatures.

Adjournment

Workshop to follow